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May 18, 2018

The Honorable William H. Pauley III
Daniel Patrick Moynihan
United State Courthouse
500 Pearl Street
New York, NY 10007-1312

MEMO ENDORSED

Re: Re: 1:18-cv-01606-WHP, Plaintiff's Letter Motion for Extension of Time Within Which to Effectuate Service on John Doe Defendant

Dear Judge Pauley:

Fox Rothschild, LLP represents Plaintiff in the above captioned matter. Plaintiff respectfully requests an order extending the time within which Plaintiff has to serve Defendant with a summons and Complaint.

On February 21, 2018, Plaintiff filed the instant case against John Doe, subscriber assigned IP address 74.108.115.31, alleging Defendant infringed fifty-four of Plaintiff's works through the BitTorrent protocol. [Dkt. No. 1]. Because Defendant is only known to Plaintiff by Defendant's IP address, on March 15, 2018, requested leave file a Motion for Leave to Serve a Third Party Subpoena on the Defendant's Internet Service Provider ("ISP"). [Dkt. No. 7]. On March 15, 2018, the Court granted Plaintiff leave to file that motion. [Dkt. No. 8].

Accordingly, on March 27, 2018, Plaintiff filed a Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference ("Motion") in order to serve a third party subpoena on Defendant's ISP. [Dkt. No. 10]. On March 28, 2018, Plaintiff was granted leave to serve a third party subpoena on Defendant's ISP to obtain Defendant's identifying information [Dkt. No. 12].

Plaintiff served the subpoena on April 4, 2018 and expects to receive the ISP's response on or about May 21, 2018

A Pennsylvania Limited Liability Partnership

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Pursuant to Fed. R. Civ. P Rule 4(m), Plaintiff is required to effectuate service on the Defendant by no later than May 22, 2018. Because the ISP is not expected to respond until May 21, 2018 and Defendant's identity is currently unknown to Plaintiff, Plaintiff is unable to comply with the current service deadline.

This is Plaintiff's first request for an extension of time with which to effectuate service of process.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it must effectuate service of a summons and Complaint on the John Doe Defendant be extended an additional sixty (60) days from May 21, 2018 (the date Plaintiff expects to receive the ISP response) and thus the deadline to effect service be extended to July 20, 2018.

Respectfully Submitted,
By: /s/ Shireen Nasir
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Application granted. The initial pre-trial conference is adjourned to August 16, 2018 at 11:30 a.m.

Dated: May 18, 2018
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.